

APPEAL NO. 031519
FILED JULY 25, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 21, 2003. With regard to the sole disputed issue, the hearing officer determined that the appellant (self-insured) is liable for payment of death benefits to the respondent (Subsequent Injury Fund (SIF)). The hearing officer ordered that death benefits are to be paid in a lump sum to the SIF, and that the self-insured is ordered to calculate and pay death benefits in accordance with the 1989 Act and Texas Workers' Compensation Commission (Commission) rules. The self-insured appealed. The appeal file does not contain a response from the SIF.

DECISION

Affirmed.

On appeal, the self-insured does not dispute that it owes death benefits to the SIF; rather, it asserts that the case should be remanded to the hearing officer to determine the specific amount it owes pursuant to the version of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 132.10 (Rule 132.10) effective on July 22, 1996. However, the current version of Rule 132.10, amended, effective March 13, 2000, does not require a Commission order to specify the amount of death benefits to be paid. Absent a provision in either version of Rule 132.10 specifying that the appropriate version to be applied is dictated by the date of death, we cannot agree that the hearing officer erred in applying the version of the rule that was effective on the date of the hearing. Accordingly, the hearing officer did not err in failing to specify the amount that the self-insured is required to pay to the SIF.

The self-insured additionally asserts that interest should not accrue prior to the date of the Commission's order; however, we note that the hearing officer did not order that accrued interest from the date of death be included in the lump sum payment to the SIF. The self-insured also argues that it is entitled to the annually compounded discount rate established under Section 401.023. We do not believe that given the issue presented for resolution, the hearing officer was required to make specific findings relating to the amount of interest. The hearing officer's directive that payment to the SIF be made in accordance with the 1989 Act and Commission rules gives the self-insured sufficient instruction to ensure compliance with the order.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**COUNTY JUDGE
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge